

PUBLIC EMPLOYMENT RELATIONS COMMISSION

REPRESENTATION PROCEDURES

Proposed Amendments: N.J.A.C. 19:11-1.2, 2.4 and 2.6

Proposed: September 6, 2005, at 37 *N.J.R.* 3273(a)

Adopted: November 22, 2005 by the Public Employment Relations Commission, Lawrence Henderson, Chairman

Filed: November 22, 2005 , as R. , **without change**

Authority: N.J.S.A. 34:13A-5.4e, 34:13A-6d, 34:13A-11, P.L. 2005, c. 161

Proposal Number: PRN 2005-327

Effective Date: December 19, 2005

Expiration Date: June 30, 2010

On September 5, 2005, in order to implement amendments to N.J.S.A. 34:13A-5.3 made by P.L. 2005, c. 161, effective July 19, 2005, the Public Employment Relations Commission proposed to amend N.J.A.C. 19:11-1.2, 19:11-2.4 and 19:11-2.6. These rules are part of the procedures used by the Commission to resolve questions concerning the representation of public employees in units appropriate for collective negotiations pursuant to the New Jersey Employer-Employee Relations Act. The amendments were proposed to to implement the authorization contained in P.L. 2005, c. 161. In cases where the Commission finds that only one organization is seeking to be the majority representative, this law allows an employee organization that has obtained authorization cards signed by a majority of employees in the appropriate unit to be designated as the employees' majority representative. At its open public meeting held on November 22, 2005, the Commission voted to adopt the amendments.

Summary of Public Comments and Agency Responses:

No comments were received and no changes were made.

Federal Standards Statement

Because these rules are not subject to Federal standards and requirements, a Federal exceedance analysis is not required. The National Labor Relations Act excludes from its coverage "any State or political subdivision thereof." 29 U.S.C. §152(2)

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

19:11-1.2 Contents of petition for certification

(a) A petition for certification of public employee representative filed by a public employee, a group of public employees, any individual, or an employee organization shall contain:

1.-9. (No change)

10. A petition for certification of public employee representative shall state whether the petitioner seeks certification on the basis of its having submitted authorization cards signed by a majority of employees in the unit alleged to be appropriate and there being no other employee organization seeking to be the majority representative. The petitioner shall submit the authorization cards upon which it is relying.

19:11-2.4 Posting of notice of petition

(a) (No change)

(b) Such notices shall set forth:

1. (No change)

2. The description of the unit involved; [and]

3. In appropriate cases, a statement that the petitioner is seeking certification as the majority representative without an election on the basis of its claim that a majority of employees in the unit have signed authorization cards and no other employee organization is seeking to be the majority representative; and

4. (No change)

(c)-(e) (No change)

19:11-2.6 Investigation of petition; disposition

(a) (No change)

(b) **Where the petitioner is seeking to be certified as the majority representative of an appropriate unit on the basis of authorization cards and no other employee organization is seeking to be the majority representative, the Director of Representation shall determine whether a majority of employees in the unit have signed valid authorization cards.**

[(b)] **(c)** (No change in text).

[(c)] **(d)** After the investigation of such petition, the Director of Representation shall either:

1.-4. (No change in text)

5. Issue a decision amending a certification; [or]

6. **Certify the petitioner as the majority representative based on its submission of valid authorization cards signed by a majority of the employees in the appropriate unit; or**

7. Take other measures the Director of Representation deems appropriate.

[(d)] **(e)** Action by the Director of Representation pursuant to [c] **(d)** above shall be based on an administrative investigation or a hearing conducted pursuant to N.J.A.C.
19:11-6.1 (Hearings).

[(e)] **(f)** A hearing shall be conducted:

1.-2. (No change)